

Alberta wants Liberal plan on UN declaration dead; Premier doesn't want Canadian law to entrench Indigenous 'veto' on land

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Body

Justin Trudeau, blamed by the Conservative Opposition for economic damage caused by rail blockades and Teck Resources' decision to kill a massive oilsands project, faces new calls from Alberta to ditch plans to enshrine the UN declaration on rights of Indigenous peoples in Canadian law.

Ottawa and Alberta traded accusations Monday over their respective economic and climate action - or inaction - plans.

Now a new battlefield may be looming - one that will again test Trudeau's ability to triangulate the Liberal government's commitment to reconciliation with Indigenous people, his promise to accommodate environmentalists' concerns about energy projects and to "transition" Canada's economy to a cleaner, greener posture without killing the oil and gas sector.

Alberta Premier Jason Kenney was furious Monday about what he said is a failure by Trudeau's government to chart a clear path for companies like Teck Resources to develop energy projects.

And he is privately warning that a promised law to enact UN principles and protections for Indigenous peoples' rights would only serve to introduce more uncertainty for investors.

Kenney slammed Trudeau's government for allowing "urban green left zealots" to slam the door on economic opportunities for Indigenous people and to mount protests to the oil and gas sector that he said vetoed a number of energy projects.

"We need national leadership to ensure that Canada is a country characterized by the rule of law," Kenney said.

The federal Liberals, on the other hand, pointed the finger at Kenney's government for failing to enact a credible climate action regulatory plan and quoted Teck Resources' letter announcing the company was abandoning the project. Teck said it supported carbon pricing and other action, but added, "until governments can reach agreement around how climate policy considerations will be addressed in the context of future responsible energy sector development ... it will be very difficult to attract future investment, either domestic or foreign."

Kenney has urged Trudeau to drop the plan for legislation to enshrine the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), and the Alberta premier also raised it last Thursday during the all-premiers conference call with Trudeau.

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He has since reached out to Quebec Premier François Legault for support, a source with knowledge of the discussion told the Star.

Legault is said to agree the legislation should be delayed, however Legault's office did not respond to requests for comment.

Kenney said the Liberal government had to be "very careful" to avoid entrenching in Canadian law "the UNDRIP veto" - or what some Indigenous activists believe is a veto over land development.

Other legal experts such as University of Victoria law professor John Burrows, who is Anishinabe and holds the Canada research chair in Indigenous law, say the UN document does not contain a veto.

The UN declaration underlines Indigenous rights to protect their culture, identity, religion, language, health, education and community.

Kenney believes any attempt to implement the United Nations declaration will only add new and greater uncertainty at a time when Canadian courts are finally starting to provide clarity about what the "duty to consult" means in Canadian constitutional law, said an insider privy to the discussions.

For its part, the Liberal government says it campaigned on the promise to implement UNDRIP and intends to table a bill soon.

Justice Minister David Lametti repeated that promise Monday in the Commons. However Trudeau and Lametti are deliberately vague on exactly what the federal Liberal bill would set out.

A senior government official with knowledge of the government's plans told the Star the Trudeau government had been looking at B.C.'s legislation - the first in Canada - to see how it is working.

The B.C. government says its legislation sets out a process to align B.C. laws with the UN declaration.

The federal official said the federal government's bill has a similarly wide-ranging goal. "It touches methodology and substance. It has no less a goal than to try and re-establish the proper place of Indigenous peoples in a society. So it's about the method in which Indigenous peoples are incorporated into the larger body politic. So that's a lofty goal.

Kenney and Conservative Leader Andrew Scheer believe Trudeau's "weak leadership" is effectively granting a veto.

Scheer spoke to Trudeau on the phone Monday and said he told the prime minister his "weakness and fear in dealing with his left-wing caucus and radical activists forced him to kill this project through delay and by constantly moving the goalposts."

On Monday, Trudeau defended his government's record, and said it was the Conservative Opposition and its provincial allies who are driving investment away by refusing to develop a credible climate action plan.

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